

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JOHN GORMAN,

Plaintiff,

- against - Civil Case No.: 1:14-cv-434

RENSSELAER COUNTY, SHERIFF JACK MAHAR,  
ANTHONY PATRICELLI, UNDERSHERIFF PATRICK  
RUSSO, COUNTY HUMAN RESOURCES MANAGER  
TOM HENDRY, COUNTY EXECUTIVE KATHLEEN  
JIMINO,

Defendants.

STENOGRAPHIC MINUTES OF EXAMINATION BEFORE  
TRIAL conducted of Non-Party Witness, SCOTT RYAN, held on  
the 24th day of September, 2015 at the Law Office of  
Patrick Sorsby, 1568 Central Avenue, Albany, New York,  
commencing at 1:33 p.m., before Diane Daly-Gage, a  
Shorthand Reporter and Notary Public in and for the State  
of New York.

1 APPEARANCES:

2 ON BEHALF OF PLAINTIFF:

3 LAW OFFICE OF PATRICK SORSBY, PLLC  
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7 BY: PATRICK SORSBY, ESQ.

8 ON BEHALF OF DEFENDANTS:

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15 ALSO PRESENT:

16 JOHN GORMAN  
17  
18  
19  
20  
21  
22  
23  
24

## S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and amongst the attorneys for the respective parties hereto, that filing, sealing and certifications are hereby waived;

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, shall be reserved to the time of the trial;

IT IS FURTHER STIPULATED AND AGREED that the within Deposition may be signed before any Notary Public with the same force and effect as though subscribed and sworn to before this Court.

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P-R-O-C-E-E-D-I-N-G-S

SCOTT RYAN,

(having been first duly sworn by the Notary  
Public, was examined and testified as follows:)

EXAMINATION

BY MR. SORSBY:

Q Good afternoon, Mr. Ryan. How are you today?

A Good. How are you?

Q Very good. Thank you for coming today.

A No problem.

Q Mr. Ryan, have you been to a deposition before?

A Yeah.

Q So these instructions I'm going to give you are  
probably possibly familiar. When I ask you a  
question you have to verbalize your answer because  
the stenographer can't record a nodding of the head.

A Motion.

Q Correct. So just make sure that you verbalize your  
answers. To the extent that a question that I pose  
to you is not clear or you don't understand, just  
ask me to repeat it or indicate that you don't  
understand it. That way you're answering the  
question that I've actually posed to you.

A Sounds good.

1 Q If you need to take a break at any time, let me  
2 know.

3 A Will do.

4 Q Okay. Let's get some background about you,  
5 Mr. Ryan. Where are you currently employed?

6 A RPI Public Safety and the United States Marshal  
7 Service.

8 Q And what do you do at the RPI Public Safety Office?

9 A Public safety.

10 Q Security?

11 A Yeah, I'm on campus. Peace officer status.

12 Q And for the Marshal's office what do you do there?

13 A I do all their courts, I do their arrest processing,  
14 anything that needs to be done out of the Albany  
15 office.

16 Q And how long have you been at the Marshal's office?

17 A Six years.

18 Q And how about the RPI Public Safety Security Office?

19 A About a year and a half.

20 Q Where did you work before that?

21 A Worked at Rensselaer County Sheriff's Department.

22 Q In what capacity did you work there?

23 A I worked as a sergeant when I retired.

24 Q When did you retire?

1 A October 31st, 2013. Want my start date and end day?

2 Q Yeah, that would be good.

3 A Start date was October 10th, 1988.

4 Q And did you start just as a corrections officer?

5 A Correct.

6 Q When did you attain the rank of sergeant?

7 A 1990.

8 Q Can you tell us about your educational background?

9 A Went to Hudson Valley for two years. Graduated from  
10 high school.

11 Q Okay. And are you familiar with Mr. John Gorman?

12 A Yes, I am.

13 Q How do you know John?

14 A Both professionally and personally now.

15 Q Okay. Directing your attention to the timeframe of  
16 about October 2012, were you working with Mr. Gorman  
17 at that time?

18 A What was it, '12?

19 Q 2012.

20 A Yeah, I was working with him.

21 Q Okay. And you were -- do you recall if he was a  
22 provisional sergeant at that time?

23 A No, but it's got to be close to that. So yeah, I'm  
24 assuming around there. I don't know the dates to be

1 exact to be honest with you.

2 Q Do you recall -- and again, this is the autumn, the  
3 fall time of 2012. Do you recall Mr. Gorman  
4 receiving a phone call from an Anthony Patricelli at  
5 the jail?

6 A Yes, I do.

7 Q Okay. Did you hear part of that conversation?

8 A I didn't hear the phone conversation. No.

9 Q Where were you and Mr. Gorman at that time?

10 A In my office, in my sergeant's office for the  
11 Transport Division.

12 Q And you were the sergeant in charge of transport?

13 A Booking, yep. Transport, booking, classification  
14 warrants, extradition.

15 Q What was Mr. Gorman doing in your office at that  
16 time?

17 A I believe I was training him to take over my job  
18 because I was getting ready to retire.

19 Q Okay. So you were training him in your position --

20 A Yep. He was assigned to me because he was going to  
21 take over my duties.

22 Q And how is that you know that Patricelli called your  
23 office to talk to Mr. Gorman?

24 A I happened to be -- my office is a pretty sizable

1 office and I have two phones in it. I have 1750  
2 extension, which is mine at my desk, and I have my  
3 conference phone at the other end of my office at  
4 1717 extension.

5 Q Okay.

6 A And I was on the phone with a judge at 1750, and the  
7 phone rang at 1717 and John answered it. And  
8 believe it or not I thought somebody died in his  
9 family, because while I was on the phone his  
10 demeanor changed. So I thought something happened.  
11 So when I got off the phone with the person I was  
12 talking to I asked him are you okay? Did somebody  
13 die in your family? And he just sat down and was  
14 looking straight ahead and I said did something  
15 happen? And he said yeah, basically yeah. And I  
16 said did somebody die in your family, and he said  
17 no. I said don't even tell me that Patricelli just  
18 called you and threatened you on that phone, and he  
19 said yeah. And I told him to write the date and the  
20 time down to extension 1717 and get a copy of the  
21 tape. Because all of the phones in the sheriff's  
22 department are recorded. So there should be a  
23 recording of that phone conversation.

24 Q What made you think to ask, don't tell me that



1 Patricelli just called and threatened you?

2 A What made -- because I know he's been having  
3 problems. Patricelli's been after him.

4 Q Okay. You indicated that the phone conversations  
5 are recorded in the jail facility?

6 A Correct.

7 Q Okay. As far as you know every landline is  
8 recorded?

9 A Yes. I believe except for the sheriff's.

10 Q Do you know what -- is there a policy for how long  
11 those recordings are kept?

12 A I believe it's seven years. Don't hold me to it,  
13 but I'm almost positive it's seven years.

14 Q And you believe that's a sheriff policy?

15 A No. I think that's with the phone system holds it  
16 up to seven years.

17 Q All right. Can you tell us a little bit more about  
18 what you knew before that phone call about you had  
19 indicated the interactions between Mr. Gorman and  
20 Patricelli?

21 A Yeah. John was training with me...

22 Q Okay.

23 A And at some point Patricelli got caught cheating on  
24 his girlfriend, which is John Gorman's sister, and

1 he continuously blamed John for him getting caught  
2 cheating and he took it personal, just like he does  
3 everything else down in that place. He's threatened  
4 numerous people, he's been suspended before for  
5 putting a gun to somebody's head. So this guy is a  
6 continuous ticking time bomb.

7 Q You said he was -- he put a gun to somebody's head?

8 A Yeah. He got suspended for 30 days when he first  
9 started there, out at a bar.

10 Q Was this a coworker?

11 A I believe so, yeah.

12 Q Okay. Do you know the facts as to why that  
13 happened?

14 A No. I know it was out at a bar. That was it.

15 Q All right. And you said he was suspended on other  
16 occasions as well?

17 A It was just on that occasion I know he was suspended  
18 for 30 days.

19 Q Okay. Do you know other specific incidents where he  
20 threatened other people?

21 A He's threatened I believe Kevin Rogers, he's  
22 threatened -- I don't know, just about anybody he  
23 can threaten and get away with.

24 Q Now, do you know -- other than Mr. Gorman do you

1 know of any incidents or any incidents where, other  
2 than the gun to the head, where Patricelli  
3 threatened other workers there?

4 A I only heard that he threatened Kevin Rogers and he  
5 threatened Dave Higgit.

6 Q How did he -- Dave Higgit you said?

7 A Yeah.

8 Q How did he threaten Kevin Rogers?

9 A I'm not too sure. He was outside his office and he  
10 threatened him.

11 Q Okay. And you heard that from Kevin Rogers?

12 A Yeah. It was all over the jail. It was a rumor  
13 that went around the jail. It's been typical  
14 Patricelli.

15 Q What about Dave Higgit? Do you have any knowledge  
16 about it or just heard about it?

17 A No. I can't recall who told me what, to be honest  
18 with you. You're talking years ago.

19 Q Okay. You said to Mr. Gorman don't tell me that  
20 Patricelli just called and threatened you. Did  
21 Mr. Gorman elaborate on what Patricelli said?

22 A No, he didn't, to be honest with you. I tried to  
23 get him to.

24 Q Okay. Now, how did you know that Patricelli was

1           upset about Mr. Gorman's sister cheating on  
2           Patricelli? Like how -- you said it seemed like  
3           that was common knowledge.

4   A     Yeah. He went around telling everybody.

5   Q     Who was?

6   A     Patricelli.

7   Q     Going around telling everybody that Gorman's sister  
8           was cheating on him?

9   A     No. That he got caught cheating on Gorman's sister  
10          and he was the reason that she broke up with him.  
11          Meaning John.

12   Q     All right. Thank you. So he was going around  
13          telling people that not only did Gorman's sister  
14          break up with Patricelli, but also that he blamed  
15          Mr. Gorman for it?

16   A     Correct.

17   Q     Did he come to you and tell you that or you just  
18          observed him telling others that?

19   A     He was running his mouth every day in the jail.

20   Q     Okay. Did you have any specific conversations with  
21          Patricelli in regards to him saying --

22   A     No, he doesn't talk to me. So...

23   Q     Okay. Now, were there times when Patricelli  
24          would -- are you aware of times when Patricelli

1 would follow Mr. Gorman?

2 A Just from John, you know.

3 Q Did you ever observe Mr. Patricelli checking in your  
4 office on Mr. Gorman?

5 A All the time.

6 Q And what would he do when we would come in to check  
7 on you?

8 A He would just stand in the doorway and look in and  
9 then go back to his office.

10 Q Okay. Did you and Mr. Gorman observe him when he  
11 did that?

12 A He used to do it every day to me.

13 Q Every day?

14 A Yep.

15 Q And would he look at you or look at John?

16 A He would just look in my office to see who was in  
17 there.

18 Q Okay. So he was checking in your office every day?

19 A Yeah. He would stand at the -- there's a sallyport,  
20 bars that open, it's a slider, and he would stand  
21 there and look in because you can see into my office  
22 from there and he would stare in every day.

23 Q Now, did he have any reason to be checking in your  
24 office? Is he your supervisor?

1 A No.

2 Q Well, was he your supervisor?

3 A No.

4 Q When he came and checked every day did he ask you  
5 specific questions or was he looking for anything in  
6 particular?

7 A He would ask me once in a while what he was doing,  
8 what I was training him on.

9 Q Who? Who's he?

10 A Tony Patricelli.

11 Q Would ask about what, Gorman?

12 A What I was training John on.

13 Q So he would inquire as to what you were training  
14 John Gorman on?

15 A Correct.

16 Q Now, what, if anything, did you tell Mr. Patricelli?  
17 Because he's checking every day. I mean is there a  
18 point where you inquired why he's doing that?

19 A Yeah, I always said training him like he's me.  
20 Everything I know he's going to have to know to run  
21 this unit. It's pretty simple.

22 Q And was that enough for Patricelli or did he  
23 continue to come back and check?

24 A Every day he would stop and look in the office,

1 every single day. Whether he was in there or not,  
2 he always did.

3 Q Just to understand the chain of command, if you can  
4 help me with this. You were training Mr. Gorman.  
5 What role, if any, did Patricelli have in overseeing  
6 Mr. Gorman's training?

7 A None.

8 Q Mr. Gorman didn't report directly to Mr. Patricelli,  
9 did he?

10 A Not that I'm aware of.

11 Q Okay. Was there any other -- were you training  
12 other individuals as well in addition to Mr. Gorman?

13 A Sergeants wise to take my job?

14 Q Yes.

15 A No.

16 Q Did you have other staff members underneath you that  
17 reported to you?

18 A Yeah. I had 13.

19 Q Did Mr. Patricelli inquire as to any of those other  
20 --

21 A He would always inquire where they were, where my  
22 staff were.

23 Q Okay.

24 A And you got to understand too, I had GPS in all my

1 vehicles. So he had access to GPS just like I did.  
2 So you can look at any time to see where my vehicles  
3 were anywhere in the northeast, wherever they were  
4 assigned.

5 Q So there was no reason to --

6 A No.

7 Q Okay. Now, do you think that Mr. Patricelli was  
8 coming into your office every day to bother you or  
9 to check in on Mr. Gorman, to check Mr. Gorman?

10 A Check on Mr. Gorman.

11 Q All right. Other than when he told you I asked  
12 what -- how his training was going or what was  
13 involved. What other reasons do you think  
14 Mr. Patricelli was checking in on Gorman?

15 A I couldn't answer that. I don't know. He would  
16 just show up every day. He would stare at from  
17 outside my office door. Actually, you can get the  
18 videotapes for that too.

19 Q Oh, the coming to your office every day?

20 A Yeah, standing right outside my door. It's all  
21 videotaped.

22 Q Okay. Did there come a time when you told  
23 Mr. Patricelli why are you here every day?

24 A I said that every day to him.



1 Q Did you tell him please don't come back anymore or  
2 something to that effect?

3 A No.

4 Q All right. Did it strike you as strange behavior  
5 for him to be at your office every day?

6 A You knew something was up, you know. But  
7 unfortunately I had to work with him too because  
8 he's the gang guy. And me moving gang members  
9 around, I had to know who the gangs members were.  
10 And he was supposed to give me a list of gang  
11 members every month, who was on the gang list and  
12 who couldn't come in contact, and he would never  
13 give me the list. So he tried to set me up all the  
14 time when I was doing my work to end up with two bad  
15 guys who weren't supposed to be together, together.

16 Q And did that happen often?

17 A Every month I had to do my own.

18 Q And why would that have been -- I mean I know I'm  
19 asking obvious questions to you, but can you explain  
20 how that would've been a problem?

21 A He's a gang officer in charge of the jail for all  
22 the gang members. He's supposed to interview them,  
23 document them, assess their risk assessment to us,  
24 and he would never do his job. We'd never get a

1 list. We're supposed to get a list every month of  
2 who is supposed to come in contact, who are gang  
3 members, who was high risk, who was not. And he  
4 failed to give it to me month after month after  
5 month.

6 Q Now, so how long did you train Mr. Gorman?

7 A I don't know. To be honest with you it had to be  
8 awhile. I don't know the exact time, to be honest  
9 with you.

10 Q Okay. Now, do you know who Thomas Hendry is?

11 A Yes, I do.

12 Q And who do you understand him to be?

13 A Head of Human Resources for the county.

14 Q Did there come a time in which you had a  
15 conversation with Mr. Hendry regarding Mr. Gorman?

16 A Yes, there was.

17 Q Do you have an idea of the timeframe that was?

18 A Yeah. If he has the letter from the county, HR,  
19 stating that there was no -- his findings were that  
20 nothing occurred from the bullying incident.

21 Q Let me see if I can help a little bit more. Do you  
22 recall having a conversation with Mr. Thomas Hendry  
23 regarding an allegation workplace violence by  
24 Mr. Gorman?

1 A Yes.

2 Q And how did Mr. Hendry discuss this with you?

3 A How did he discuss it with me?

4 Q Did he call you --

5 A He called me on the phone after I read the letter  
6 that he sent to John Gorman stating that there was  
7 no evidence to support John Gorman's case. He said  
8 he interviewed all aspects of -- he interviewed  
9 everybody involved in the case, which he never did,  
10 and I read the letter and it just so happens that  
11 day he called me.

12 Q Let me see if I can understand this. You read a  
13 report which drew a conclusion that there was no  
14 workplace violence. You read that report and then  
15 after you read that report you get a call from  
16 Thomas Hendry asking you about the workplace  
17 violence complaint; is that correct?

18 A Correct.

19 Q Okay. Did that strike you as strange?

20 A Yeah. I told him on the phone, and it's on that  
21 1717 extension, I actually told Tom Hendry that are  
22 you kidding me. You're calling me on a taped line  
23 after I got done reading the letter you sent to John  
24 Gorman. Now you're calling me to interview me. Are

1           you kidding me.

2       Q     What did he say?

3       A     There was a long pause on the phone; well, this is  
4           my first time investigating something like this.  
5           But I said you put in a letter that you investigated  
6           this, you interviewed everybody, and you didn't.  
7           Now you're calling me to -- I go, you know you're on  
8           a taped line. I kept telling him that. That was  
9           extension 1717 also. And then he said he'd get back  
10          to me. He actually asked me what happened. I told  
11          him exactly what we just talked about and then he  
12          said he'd get back to me, and I never heard from him  
13          again.

14       Q     Did he -- all right. Did he ask you anymore  
15           substantive questions as to what happened about the  
16           allegations? Did he go into any of that on this  
17           phone call?

18       A     Yes.

19       Q     Do you remember what he asked you?

20       A     He just wanted to know my take on what happened,  
21           what I thought happened. And I said it's kind of  
22           fruitless because you already sent a letter out. I  
23           said you got to be kidding me. I've been in  
24           business for 25 years. I said to him you don't call

1           somebody after the investigation has been closed and  
2           ask them their side of the story.

3   Q     All right. That's fair enough.

4                     While he's doing that, let's talk about --  
5           now, you trained Mr. Gorman. Can you tell us a  
6           little bit about his job performance that you were  
7           able to observe?

8   A     He's a very good worker. I'd recommend him to work  
9           anyplace anywhere, to be honest with you. He's a  
10          hard worker, dedicated to his job. Would always  
11          stay past the time that was needed to make sure the  
12          job was done.

13                    (There was a brief pause in the proceedings.)

14                   MR. SORSBY: While we wait for him to look  
15           for that, I'm just going ask you a few other  
16           quick questions here. Actually, we'll stick on  
17           that subject.

18                   Let me get this marked as an exhibit.  
19           We'll make copies afterwards. Exhibit 5, I  
20           think.

21                   (Plaintiff's Exhibit 5 was marked for  
22           identification.)

23   BY MR. SORSBY:

24   Q     I'm going to show you what's been marked as

1 Plaintiff's Exhibit 5. Take your time to take a  
2 look at that.

3 (Witness examines document.)

4 Do you recognize what's been marked as  
5 Exhibit 5?

6 A Yeah.

7 Q And what do you recognize that to be?

8 A It's a letter from Tom Hendry from Human Resources.

9 Q Now, earlier in your testimony you had testified  
10 that you got a letter from Thomas Hendry regarding  
11 his investigation. Is that the letter you were  
12 referencing?

13 A I didn't get the letter. John Gorman had the  
14 letter.

15 Q Okay. But you had indicated that you read it;  
16 right?

17 A Yeah. He showed it to me.

18 Q Is that the letter that you recall reading?

19 A Yes, it is.

20 Q So just for clarification; you read that letter and  
21 Mr. Hendry called you after reading that, what's  
22 been marked as Exhibit 5?

23 A Correct.

24 Q All right. Good. I just want to know which letter

1 we're talking about. Thank you.

2 I want to show you what's been marked as  
3 Plaintiff's Exhibit 1.

4 A All right.

5 Q Now, you may not have seen -- well, I'll ask you.  
6 Have you seen this specific document involving  
7 Mr. Gorman?

8 A No, I don't recall.

9 Q Do you recognize this type of document from the  
10 sheriff's department?

11 A Yes.

12 Q What do you understand this type of document to be?

13 A It's an oral counseling or an oral written warning.  
14 It's a violation of a county work rule.

15 Q Now, do you give verbal warnings at the sheriff's  
16 department?

17 A Yes.

18 Q Now, I believe in some employment situations a  
19 verbal warning will be in writing as well. Is that  
20 the case there or is that actually a verbal warning?

21 A No. This is the oral. Oral counseling would be the  
22 verbal side of this.

23 Q Okay. Now, for oral warnings such as what's been  
24 marked as Plaintiff's Exhibit 1, is there

1 typically -- is it just the one page like this or is  
2 there some other document that might be attached to  
3 it?

4 A Well, in this case because it was -- the offense  
5 observed by Sergeant Maselli and the written was  
6 given by Sergeant Ranken, there would have to be a  
7 report that goes with it or Sergeant Ranken wouldn't  
8 know what to write up and what he's writing him up  
9 on. So Sergeant Maselli would have to do either  
10 like a deposition or some kind of written report.

11 Q Are you familiar with the term informational?

12 A Yeah.

13 Q Is that what would be utilized for that purpose?

14 A Correct.

15 Q And just for clarification, this warning was given,  
16 can you see who it says it was given by?

17 A Sergeant Ranken. That's why I said if you look at  
18 warning given by Sergeant Ranken, offense observed  
19 by and reported by Sergeant Maselli. So Sergeant  
20 Ranken wouldn't know what to write up because he  
21 didn't observe it, so there would have to be a  
22 report that goes with it so he knows what he's  
23 writing up.

24 Q Okay. And that sounds logical to me. It really



1 does. But is that a policy -- is that a policy at  
2 the sheriff's department?

3 A It is a policy.

4 Q Was it a policy at that time to -- if an officer is  
5 making -- is writing an oral warning, is making an  
6 oral warning and it's given by that person, does  
7 there have to be substantiating documentation if  
8 it's not based on firsthand knowledge?

9 A The best way I can explain this to you is if I'm  
10 writing John Gorman up for an incident that I  
11 observe, I'm going to be the person that observed  
12 it, I'm going to be the person that is giving the  
13 warning and I'm going to document right here of what  
14 I observed and what violation I'm charging him with.  
15 I don't take words from another sergeant to tell me  
16 what to write somebody up on because I didn't  
17 observe it. So I'd have to read something to write  
18 that person up. I can't make them up out of mid  
19 air.

20 Q Right. And that's something that you would do as a  
21 supervisor, you would ensure that that's the case;  
22 right?

23 A Correct.

24 Q Did you understand that also to be the policy at the

1           sheriff's departments as well?

2       A     Policy is kind of vague down there at the time  
3           because our policies and procedures weren't really  
4           done. So we had an administrative manual that was  
5           put out that followed what we're supposed to do and  
6           how we're supposed to do it. But as far as the  
7           day-to-day operation, no. People did it  
8           differently. But for me to write somebody up -- for  
9           Sergeant Ranken to write John Gorman up through  
10          Sergeant Maselli, he would have to have facts and  
11          documentation to write him up.

12       Q     Okay. That's just based on your experience --

13       A     My 25 years experience down there, yeah.

14       Q     All right. Now, you testified before that there  
15          really -- well, strike that.

16                   I want you to look at Exhibit 1. I mean  
17          you've seen it before, but you see the charge there,  
18          right, something that -- Mr. Gorman returned the  
19          keys for his auxillary weapon without having it  
20          signed by the watch commander. Was that some  
21          written policy, was it practice or not really?

22       A     It was something they come up with probably a month  
23          prior to this writeup, and I believe they're in the  
24          process of putting the policy together. But to be

1           honest with you I don't know for fact what was  
2           policy and what wasn't. It's been a while.

3       Q     Okay. When you say they were coming up, who do you  
4           mean by they?

5       A     Administration.

6       Q     Okay. But you believe that to the extent that this  
7           was a policy, it was in the process of being  
8           developed a month before this happened?

9       A     Correct.

10      Q     Do you know if the policy was already written and  
11           distributed at the jail?

12      A     I don't know, to be honest with you.

13      Q     You had mentioned that there's a book. Did you say  
14           it was administrative policies? Do you remember  
15           what the title of that book is?

16      A     Administrative policies.

17      Q     Is that the actual title?

18                       MR. GORMAN: Administrative manual.

19      Q     Administrative manual. All right.

20                       Do you know if this requirement, this rule  
21           is in there?

22      A     No, I don't believe it is.

23      Q     All right. How many people did you supervise when  
24           you were working at the sheriff's department?

1 A Depends which time when I was -- where I was  
2 working. I was a K-9 handler for 14 years. I was  
3 watch commander for C-line for many years, afternoon  
4 shift. I was a watch commander for the day shift.  
5 I was acting lieutenant for a year and a half on  
6 A-line.

7 Q In 2012 when Mr. Gorman was there. From 2012 --

8 A Transports. So roughly about 13 plus 56 auxiliaries  
9 I believe it is.

10 Q Did they give you any management training? Was  
11 there any training courses that you and management  
12 took?

13 A I went through supervisor school, sergeant school.

14 Q Was there any instruction from the administration in  
15 regards to individuals having a disability and  
16 needing maybe an accommodation for their job?

17 A No, never.

18 Q Okay. What did you understand -- was there any  
19 training provided by administration with regards to  
20 workplace violence complaints?

21 A Yeah. They put a form up all over the jail in  
22 different offices explaining if you believe you were  
23 being harassed to call Tom Hendry.

24 Q So you understood Tom Hendry to be the point person

1 on that?

2 A Correct.

3 Q All right. But as a supervisor there was no  
4 training involved?

5 A No.

6 Q Was there a supervisor's manual in addition to the  
7 administrative manual?

8 A For the supervisors, probably. But my job was  
9 unique. So my job entailed a combination of road  
10 patrol, the courts, the DA's office, booking,  
11 transports, U.S. Marshals, Dutchess County. I had  
12 many hats on every day. So to sit here and tell you  
13 that I had a manual specifically for me, no.

14 Q All right.

15 A What I did do is I typed up a list of my job  
16 requirements for an every day, like an eight-hour  
17 day. And then I would hand it to -- basically I did  
18 it on my own, to be honest with you. And that's  
19 basically what I gave John.

20 Q Now, other than incidents where Patricelli would  
21 show up at your office with Gorman, were there other  
22 incidents that you witnessed with Patricelli and  
23 Mr. Gorman?

24 A Just that phone call and just his every day just

1           stopping by the office and staring at us. That's  
2           it.

3       Q     Okay. Now, are you aware that Mr. Patricelli called  
4           Mr. Gorman and threatened to break his jaw? Were  
5           you aware of that incident?

6       A     Afterwards, yeah.

7       Q     All right. Other than hearing it from Mr. Gorman  
8           did you hear it from other staff members?

9       A     Yeah. It was a rumor going around the jail.

10      Q     All right.

11      A     Let's put it this way; it was common knowledge that  
12           it happened.

13      Q     Okay. Did you hear anything from Sergeant Ranken or  
14           any other individual that Mr. Gorman should advise  
15           people where he's going before he goes there for his  
16           own safety?

17      A     John explained that to me. Ranken had come in the  
18           office a few times to explain to me that Patricelli  
19           was on a witch hunt. And just to me he's always on  
20           a witch hunt, so it's an everyday occurrence. But  
21           unfortunately I didn't know the depth of John  
22           Gorman's case and what was going on behind the  
23           scenes, to be honest with you, until after that  
24           phone call happened in my office.

1 Q So Sergeant Ranken came into your office to tell you  
2 that Patricelli was on a witch hunt?

3 A More or less, yeah.

4 Q And that was in the context in regards to  
5 Mr. Gorman?

6 A Correct.

7 Q And why did he tell you that? Did he say well, we  
8 have to -- did he tell you you have to watch or get  
9 Gorman to check in, tell people where he is for his  
10 --

11 A Well, Gorman was working for me, so there was no  
12 checking in with anybody because he was working for  
13 me. So the only person he was going to check in  
14 with is with me.

15 Q All right.

16 A Now, you got to remember, we leave the building.  
17 I'm not assigned to the building -- I'm not assigned  
18 to the jail. I leave the building every day. I  
19 have job duties outside my office. So John had to  
20 learn the court system, the DA's office. You know  
21 so we were outside. I had the take-home car every  
22 day. For 14 years I had a take-home car. So we  
23 weren't in the jail eight hours a day.

24 Q Okay.

1 A So we would leave and then we'd come back and we  
2 would get -- you know, our job description would be  
3 I know I'd tell him he'd have to learn things  
4 because you'd have to go meet with judges, lawyers,  
5 whatever, hospital runs.

6 Q Are you aware that -- first of all, you know that  
7 Mr. Gorman was on a key detail, a special detail;  
8 correct?

9 A Correct.

10 Q And are you aware that Mr. Patricelli went to  
11 Sergeant Ranken and told him that Gorman has to get  
12 permission -- should get permission before he goes  
13 anywhere, something to that effect, because he's  
14 spending a lot of time in Dunham's office? Were you  
15 aware of that?

16 A We had conversation about it, but I don't recall who  
17 told me what, to be honest with you.

18 Q Again, you just remember Mr. Ranken saying that  
19 Patricelli is on a witch hunt?

20 A Hm-hum.

21 Q And again, that was in reference to Mr. Gorman?

22 A Correct.

23 Q Are you aware that Mr. Gorman had to get an order of  
24 protection against Anthony Patricelli?



1 A From John afterwards, yes.

2 Q And do you know if at that time was Mr. Gorman still  
3 training underneath you at that point?

4 A I don't recall, to be honest with you.

5 Q At one point he was a provisional sergeant, right,  
6 and then he didn't make the sergeant's position;  
7 right?

8 A Correct.

9 Q And then it was at that point he was no longer  
10 training under you; is that correct?

11 A Yes.

12 Q Okay. You had indicated before that you, in form or  
13 substance, you thought that Mr. Gorman was a good  
14 employee. Was that true?

15 A He's an excellent employee.

16 Q Okay. Do you have an opinion as to an employee such  
17 as Mr. Gorman should've been terminated?

18 A No. Patricelli should've been terminated.

19 Q And why do you draw that conclusion?

20 A A, he went to his house, threatened him, got  
21 arrested, was convicted. And by statute of law if  
22 you've been convicted you're not entitled to keep a  
23 civil service job.

24 Q I don't know how familiar you are with I believe

1           it's Civil Service Section 73 and 75 where a person  
2           is out on leave, unpaid medical leave for a year or  
3           more, the optimal word is may, the county may  
4           terminate the employee. Are you familiar with that?

5   A    Vaguely. It's been a while, to be honest with you.

6   Q    I was going to ask if you knew of employees that are  
7           out a year or more on unpaid leave. In your  
8           capacity as a supervisor did you have anybody under  
9           your watch?

10   A   Under my watch?

11   Q    Yes.

12   A    No. I had nobody out for more than -- except for  
13           minor injuries or some kind of injury that they were  
14           out. That's it.

15   Q    All right.

16                   MR. SORSBY: I'm going to take a quick  
17                   five-minute break and maybe we'll be wrapping  
18                   up.

19                   (Whereupon, there was a short recess in the  
20                   proceedings.)

21   BY MR. SORSBY:

22   Q    All right. I'm just going to wrap up, Mr. Ryan.

23           Just wanted to actually clarify one thing because I  
24           asked you a question and you gave a lot of

1 information. You had indicated -- I had asked you  
2 why Patricelli should've been terminated and you had  
3 said that because he went to his house and he said a  
4 couple of things. Just for clarification, I mean do  
5 you understand that Patricelli called Mr. Gorman at  
6 his house and threatened him?

7 A Correct.

8 Q Okay. All right. I know it's been a couple of  
9 years since all this stuff happened. I just wanted  
10 to make sure that was your understanding.

11 A Yeah.

12 MR. SORSBY: All right. I have no further  
13 questions. My suspicion is that Mr. Martin has  
14 a few questions.

15 MR. MARTIN: I do.

16 EXAMINATION

17 BY MR. MARTIN:

18 Q Mr. Ryan, I want you to take a quick look at  
19 Plaintiff's Exhibit 1 that we talked about. And my  
20 first question is, were you in the union at the  
21 jail?

22 A Yes.

23 Q Were you ever an officer of the union?

24 A No.

1 Q Okay. And I wanted to have you explain to me,  
2 because I don't know, what would be signed in? Was  
3 there a name for the book where the auxillary weapon  
4 would be signed in?

5 A It was the weapon logbook.

6 Q The weapon logbook. Okay. And on Exhibit 1 there  
7 is in the middle of the exhibit there's a section  
8 called Employee's Remarks. Do you see that there?

9 A Yes.

10 Q And it indicates, "The absence of any statement by  
11 employee indicates agreement with the report as  
12 stated. This report will be placed in the  
13 employee's personnel file." Do you see that there?

14 A Yes.

15 Q Have you ever gone over this form as a supervisor?

16 A Yes.

17 Q What's your understanding of what that means, that  
18 Employee's Remark section?

19 A If they want to put something in there, they have  
20 the right to put something in there. If they  
21 protest it, agree with it, disagree with it. Most  
22 of the employees in my experience never write  
23 anything in there.

24 Q Okay. Do you know if the union could file a

1 grievance if the employee disagrees with the  
2 disciplinary action?

3 A Yes, but I believe an oral counseling is not  
4 allowed, oral warning. It only goes in your file  
5 and it's supposed to be taken out after 18 months.

6 Q Okay. So do you know if Sergeant Ranken reviewed  
7 the weapons logbook before signing this document,  
8 number one?

9 MR. SORSBY: Objection. He testified he's  
10 never seen this specific document before. Only  
11 this type of document.

12 Q I don't understand. My question was, do you know if  
13 Sergeant Ranken reviewed the logbook before signing  
14 this exhibit?

15 A I'm going to say no because --

16 Q You don't know or he didn't?

17 A No. I'm going to say no because the offense was  
18 observed by Sergeant Maselli, not Sergeant Ranken.  
19 Sergeant Ranken only handed the writeup and wrote it  
20 up and handed it to John Gorman. He didn't observe  
21 the events.

22 Q You're just guessing based on what's written here?

23 A You can call it guessing. I'll tell you that's the  
24 fact.

1 Q You're sure then that Sergeant Ranken didn't go and  
2 look at the logbook on his own to confirm what  
3 Sergeant Maselli was saying? Is that what your  
4 testimony is?

5 A Correct. Because I'm going to say that because the  
6 offense was observed by Sergeant Maselli and not  
7 Sergeant Ranken. If Sergeant Ranken had looked at  
8 the book he would've wrote him staying there.

9 Q Okay. So if they both observed the same thing, it  
10 couldn't be written that way on the document?

11 A It would have both names there.

12 Q And that was the policy?

13 A Yeah.

14 Q Are you sure about that?

15 A Yep.

16 Q All right. And do you know who Captain Smith is?

17 A Yes, I do.

18 Q Did you ever talk with Captain Smith about whether  
19 or not Sergeant Gorman had failed to log in the  
20 auxillary weapon into the logbook?

21 A Did I have a conversation? More than likely I did.

22 Q And specifically about this incident that we're  
23 talking about?

24 A You're asking me, I don't know, this is when?

1 Q It is --

2 A 11/5?

3 Q November 21st, 2012.

4 A I'm looking up here. The date of offense was 11/5.

5 Q Very good. So you believe you did have a discussion  
6 with Captain Smith about this incident?

7 A More than likely, yes.

8 Q What was the discussion?

9 A Why he was written up when we're out of the building  
10 so much, that I -- I'm assigned a gun. I sign the  
11 gun out more than likely to him, the weapon.

12 Q What did Captain Smith say?

13 A Just have him sign it and move on.

14 Q All right. Did you have a discussion with Sergeant  
15 Maselli about this incident that's captured in  
16 Exhibit 1?

17 A No.

18 Q How about Sergeant Ranken?

19 A I don't recall.

20 Q Okay. And you said that Kevin Rogers was threatened  
21 by Patricelli. What was the threat, if you know?

22 A I don't know off the top of my head. I know there  
23 was an argument over when Kevin Rodgers was on the  
24 U.S. Marshal Task Force.

1 Q When did this occur? Do you know what year by any  
2 chance?

3 A I don't know off the top of my head. It was around  
4 the same time the rest of the stuff was happening --  
5 it actually wasn't around the same time. It  
6 probably would've been before John Gorman stuff.

7 Q Okay. Like ten years before?

8 A No. Shorter. Four years before, three years  
9 before.

10 Q Okay. You don't happen to know if Kevin Rogers  
11 still works at the jail, do you?

12 A No, he doesn't. No. It depends what -- when you  
13 see it in the paper. He's technically on  
14 administrative leave right now.

15 Q Okay. Did you speak with Kevin Rogers about what  
16 the threats were from Patricelli?

17 A No.

18 Q Did you speak with Dave Higgit about threats that  
19 Patricelli made to him?

20 A No.

21 Q Mr. Higgit I believe still works at the jail;  
22 correct?

23 A I assuming so. I haven't been there in a year and a  
24 half, so I assume so.



1 Q Fair enough. You said that Patricelli never told  
2 you that he got caught cheating on his girlfriend  
3 because he doesn't talk to you. And my question is,  
4 why doesn't he talk to you?

5 A Because he's lied about me before to the sheriff and  
6 he's got called out on it and I don't deal with him  
7 because he's a direct pipeline to the sheriff and he  
8 makes stuff up on people and goes on witch hunts on  
9 people.

10 Q All right. Is it fair to say that the two of you  
11 don't get along?

12 A You can say that.

13 Q And my understanding is that you were running or  
14 maybe are running for sheriff in Rensselaer County;  
15 is that correct?

16 A I was.

17 Q What's the status of that campaign?

18 A It's done. I got beat.

19 Q Okay. There's no election law cases or anything  
20 where you're challenging anything?

21 A No.

22 Q So the campaign is over for now?

23 A Correct.

24 Q And that was against Undersheriff Russo; is that

1 correct?

2 A Correct.

3 Q In your campaign was one of your platforms that you  
4 wanted to clean up the litigation, I'm going to use  
5 the word mess?

6 A Yeah.

7 Q I think I might've seen that on your website,  
8 actually.

9 A Yeah.

10 Q Can you tell us what you're talking about there?

11 A Talking about the HIPAA violations, I'm talking  
12 about John Gorman's case, I'm talking about Ruth  
13 Vibert's case, I'm talking about Lieutenant Karam's  
14 case in the 62 HIPAA violations.

15 Q Okay. Is it fair to say that you're unhappy with  
16 the way that the jail was being run in the 2012/2013  
17 timeframe?

18 A Correct.

19 Q And you said that Patricelli stopped by your office  
20 every day. Did he continue to stop by your office  
21 after Mr. Gorman returned to the corrections officer  
22 position and was no longer a provisional sergeant?

23 A He would stare into my office to see who was in my  
24 office every day.

1 Q Why would he do that if Mr. Gorman was no longer  
2 training to take your job?

3 A Because I became friends with John while I was  
4 training him.

5 Q I don't understand why -- what would he learn, I  
6 guess?

7 A You'd have to ask him that, to be honest with you.  
8 I can't answer for him.

9 Q Okay. You also said that Patricelli tried to "set  
10 you up" with respect to the gang members.

11 A Yep.

12 Q And I think you started to talk about like two gang  
13 members who weren't supposed to maybe be on the same  
14 transport, and I don't know if you finished that  
15 thought. Could you tell me more about what would  
16 happen?

17 A When I move -- suppose I'm moving 40 people to Troy  
18 City Court at one time, I need to know who the  
19 enemies are within there so I can separate them so  
20 we don't have any physical altercations or threats  
21 against one another or if somebody is testifying  
22 against somebody. And gang members if they're  
23 Bloods, Crips, MS13, whatever they are, I need to  
24 know who their players are, and if they're escape

1 risk, if they had kind of escape history in the  
2 past, I need to know that when I'm taking them  
3 outside the building.

4 Q And Patricelli did not do that I think was your  
5 testimony; correct?

6 A Correct.

7 Q All right. And you said set you up. Do you think  
8 he did that on purpose?

9 A Yeah, I believe so.

10 Q Why?

11 A Because he wanted to see two inmates fighting and  
12 get me removed from the job.

13 Q Why did he want to get you removed?

14 A Because he didn't like me. Because I always  
15 questioned him -- anything he ever questioned me, I  
16 questioned him back.

17 Q An it's sort of at the early part of your testimony  
18 from Mr. Sorsby you were talking about the phone  
19 call that Mr. Gorman received on extension -- while  
20 you were on the phone with the judge, Mr. Gorman was  
21 on the other extension, 1717?

22 A Correct.

23 Q And then he looked like somebody in his family had  
24 died. Do you recall that?

1 A Correct.

2 Q When did that take place, if you can remember?

3 A Beginning of October. Sometime in October.

4 Q 2012?

5 A Yeah.

6 Q All right. And you indicated that Patricelli had  
7 been after Gorman prior to that time; is that  
8 correct?

9 A Yeah. There's been problems. I don't know if he  
10 was after him. He was more after -- Tony is Tony.

11 Q All right. I was going to ask you about that. You  
12 said that he goes on witch hunts?

13 A Yep.

14 Q And what do you mean by that?

15 A If he doesn't like you, he doesn't agree with you,  
16 what you're doing, he'll go after you and make stuff  
17 up about you and go to the sheriff and speak bad  
18 about you. And then you get called on the carpet.

19 Q And that happened to you; correct?

20 A Correct.

21 Q And do you know how many other people that worked at  
22 the jail were the subject of the Patricelli witch  
23 hunt?

24 A No, I don't know.

1 Q Can you estimate?

2 A A lot.

3 Q More than ten?

4 A Yeah.

5 Q More than 50?

6 A No.

7 Q Okay. My understanding is that Tom Hendry called  
8 you on extension 1717 and started asking questions  
9 about Mr. Gorman's workplace violence complaint;  
10 correct?

11 A Correct.

12 Q I wasn't sure if I got your testimony. Did he ever  
13 follow-up with you again?

14 A No.

15 Q Not in person even?

16 A Nope.

17 Q Did you ever have any other discussions with  
18 Mr. Hendry about any other workplace violence  
19 complaints that Mr. Gorman made?

20 A No.

21 Q Did you ever have any other confessions --  
22 conversations with Mr. Hendry other than what you've  
23 testified to --

24 A No.

1 Q -- about the workplace violence complaints?

2 A None.

3 Q When you were responding to Mr. Sorsby's questions  
4 you indicated that you told Mr. Hendry "exactly what  
5 we just talked about," and I think you were  
6 referring to all your testimony beforehand. And I  
7 hate to ask you again, but I'm wondering if you can  
8 recall what you did say to Mr. Hendry?

9 A My almost exact words to Mr. Hendry were, are you  
10 kidding me. You're calling me on a taped line after  
11 I just got done reading a report that you've put  
12 out, you're calling to interview me. I said are you  
13 kidding me. I said you know you're on a taped line.  
14 I must've said it ten times. You should get the  
15 tape and listen to it for yourself because you're --  
16 it's going to be after this date.

17 Q Right. Anything else that you can remember?

18 A No. He went into -- again, he asked me the  
19 questions about the workplace violence and what I  
20 knew about the phone call. And I told him it  
21 happened in the office, just like I explained here  
22 today.

23 Q And you indicated that Patricelli should've been  
24 fired for a number of reasons, including that he

1           went to Mr. Gorman's house. You weren't there?

2   A     No.

3   Q     You didn't observe that?

4   A     No, I did not.

5   Q     You didn't overhear, you weren't present for any of  
6           the threats that Patricelli made to Mr. Gorman; is  
7           that correct?

8   A     Except for the one in the office.

9   Q     Did you hear the words though?

10   A    No.

11   Q     Your knowledge of what Patricelli said comes from  
12           John; correct?

13   A     Correct. And I got to be honest with you, he didn't  
14           really tell me at first what happened. But I knew  
15           something bad happened because his whole demeanor  
16           changed and it looked like somebody died in his  
17           family.

18   Q     And you tried to prod him; correct?

19   A     Correct.

20   Q     Did you ever have to testify against Patricelli in  
21           any other criminal matters that were brought against  
22           him?

23   A     No.

24   Q     Did anybody come to you to give a statement with



1           respect to the claim against Patricelli that he used  
2           the E-Justice System?

3       A     No.

4                       MR. MARTIN:  Okay.  That's all I have.  
5           Thanks.

6                       MR. SORSBY:  All right.  Well, we are done  
7           for the day.  We appreciate it.

8                       MR. MARTIN:  Thanks for coming in.

9                               - - -

10                       (Whereupon, at 2:37 p.m. the examination of  
11           SCOTT RYAN in the above-entitled matter was  
12           concluded.)

13                               - - -

14                       (Exhibit was retained by counsel for  
15           plaintiff.)

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## C E R T I F I C A T I O N

I, DIANE DALY-GAGE, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby CERTIFY that prior to being examined, the witness named in the foregoing deposition was duly sworn to testify the truth, the whole truth and nothing but the truth.

That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced by me to typewritten form and that the same is a true, correct and complete of said proceedings.

Before completion of the deposition, review of the transcript was required. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not interested in the outcome of this matter.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DIANE DALY-GAGE

CERTIFICATE OF OATH

STATE OF NEW YORK )

COUNTY OF )

I, Scott Ryan, hereby certify that I have read the transcript of my testimony taken under oath; that the transcript is a true and complete record of what was asked, answered, and said during the examination in the above matter, and that the answers in this transcript, as given by me, are true and correct, except for the changes and/or corrections indicated on the Errata Sheet attached hereto.

\_\_\_\_\_  
SCOTT RYAN

Subscribed and sworn to  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015

\_\_\_\_\_  
Notary Public

## 1 ERRATA SHEET FOR THE TRANSCRIPT OF:

2 Case name: John Gorman v. Rensselaer County, et al  
 3 Dep. Date: September 24, 2015  
 4 Deponent: Scott Ryan  
 Place: Albany, New York

## 5 CORRECTIONS

6 PAGE	LINE	CHANGE FROM:	CHANGE TO:
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20 Under penalties of perjury, I declare that I have read  
 21 the foregoing document and that the facts state in it are  
 true.

22 \_\_\_\_\_

23 Date

Signature

INDEXWITNESSPAGE

SCOTT RYAN

BY: PATRICK SORSBY, ESQ.

4

BY: KEVIN G. MARTIN, ESQ.

35

ERRATA SHEET

52

EXHIBIT LIST

53

REPORTER'S CERTIFICATE

50

REQUEST FOR PRODUCTION

--

WITNESS CERTIFICATE OF OATH

51

EXHIBITSPLAINTIFF'S  
EXHIBIT NO.IDENTIFICATIONPAGE

Exhibit 5

Letter to Gorman from Hendry  
dated 3/25/13

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